



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

PAS
F. #2018R01492

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 30, 2018

By First Class Mail and ECF

Steven Zissou, Esq.
Zissou & Associates
42-40 Bell Boulevard, Suite 302
Bayside, New York 11361

Re: United States v. Ali Saleh
Criminal Docket No. 18-CR-00468 (BMC)

Dear Mr. Zissou:

Enclosed please find a compact disc with the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Video Recordings the Defendant

The file in the folder Bates-numbered SALEH000032 (DVD password: 2018Saleh!) is a video recording from July 13, 2018 of the defendant's SHU cell at approximately 12:04 p.m. including the incident in question. In addition, the files in the folders Bates-numbered SALEH000030-31 (DVD password: 2018Saleh!) are video recordings from July 13, 2018 of the defendant being removed from his cell following the incident in question.

Please also find enclosed:

B. Documents and Tangible Objects

Please find enclosed:

- Redacted Federal Bureau of Prisons referral forms, an incident report detailing the July 13, 2018 assault, a memorandum to the file regarding the incident, a

staff injury assessment and follow-up form (medical), incident photo sheets, including eleven (11) photos, Bates-numbered SALEH00001-29.

II. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me. Specifically, if you have difficulty playing the attached videos please contact me directly.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
Philip A. Selden
Assistant U.S. Attorney
(718) 254-6257

Enclosures

cc: Clerk of the Court (BMC) (by ECF) (without enclosures)